IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Leverne Ragin,)
Plaintiff,) C/A No. 3:04-23416-CMC-JRM
v.	OPINION AND ORDER
Martin Marietta Materials, Inc.,)
Defendant.))
)

Plaintiff filed this civil rights action on December 29, 2004, against Defendant Martin Marietta Materials, Inc., alleging claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*, and 42 U.S.C. § 1981. Defendant filed a motion for summary judgment on September 21, 2005. Plaintiff filed a memorandum in opposition on October 20, 2005. Defendant filed a reply in further support of its motion for summary judgment on December 31, 2005. Defendant also filed a motion to strike the affidavit of Leverne Ragin on October 31, 2005. Plaintiff filed an opposition to the motion to strike November 14, 2005, and Defendant filed a reply on November 23, 2005. In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), this matter was referred to United States Magistrate Judge Joseph R. McCrorey for a Report and Recommendation. The Magistrate Judge filed his Report and Recommendation on June 29, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error

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on the face of the record in order to accept the recommendation."") (quoting Fed. R. Civ. P. 72

advisory committee's note).

Based on his review of the record, the Magistrate Judge has recommended that Defendant's

motion for summary judgment be granted and Defendant's motion to strike Plaintiff's affidavit be denied

as moot. No objections to the Report have been filed by either party and the time for doing so has expired.

After reviewing the Complaint, the motions, the oppositions, the replies and the Report and

Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and

Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that Defendant's motion for summary judgment is GRANTED and

this action is **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that Defendant's motion to strike Plaintiff's affidavit is dismissed

as moot.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina July 28, 2006

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